श्री कैलाश नारायण सारंग (मध्य प्रदेश) : चेयरमैन की अथारिटी को चैलेंज करने का आपको क्या अधिकार है। ...(व्यवधान) चैलेंज करने का आपको क्या अधिकार है।...(व्यवधान)

डा. अबरार अहमद : अजीब बात है।

I am not challenging the decision of the Chairman. We are ready to honour the permission given by the Chairman.

श्री कैलाश नारायण सारंग : जज की अथारिटी को चैलेंज कर रहे हैं और यह षड्यंत्र नहीं है तो क्या है।...(व्यवधान) आप बोलने नहीं देना चाहते आप बोलने दीजिए। आप बैठिए।...(व्यवधान)

उपसभापति : बोलिए, प्रि० जैन, बोलिए। ...(व्यवधान)

Please speak briefly.

डा. अबरार अहमद : महोदया, मैं यह कह रहा था कि माननीय अध्यक्ष महोदय ने जो अनुमति दी है हम पूरी तरह से उसका सम्मान करते हैं, आदर करते हैं। लेकिन एक बात ...(व्यवधान)

उपसभापति : लेकिन कुछ नहीं, आप बैठ जाइये। ...(व्यवधान)... लेकिन नहीं, चेयरमैन ने परमिशन दी है। ...(व्यवधान)

डा. अबरार अहमद : आप मेरी बात तो सुनें। ...(व्यवधान)

श्री कैलाश नारायण सारंग : आप यह बताइये जब अध्यक्ष महोदय ने परमिशन दी है...(व्यवधान) मेरी बात सुनिए। जब अध्यक्ष महोदय ने परमिशन दी तो कुछ ...(व्यवधान) उनका एक्शन ...(व्यवधान)... फिर आपको क्या अधिकार है। ...(व्यवधान)

SHRI S. MUTHU MANI (Tamil Nadu) : What is this, Madam? He is challenging the decision of the Chairman. It is very unfortunate.

डा. अबरार अहमद : महोदया...(व्यवधान) जो लिख कर दिया ...(व्यवधान) अनुमति मांगी ...(व्यवधान) क्या परिस्थिति है, क्या फैक्चुअल पोज़ीशन उनके सामने रखी? ...(व्यवधान)

THE DEPUTY CHAIRMAN : Mr. Abrar Ahmed, I don't ever question the wisdom of the Chairman. If he has given permission, I am going to ask him to speak. There is no point in it. When he gave the permission, that is all.

PERSONAL EXPLANATION BY DR. JINENDRA KUMAR JAIN

DR. JINENDRA KUMAR JAIN (Madhya Pradesh) : Madam, I thank you very much for giving me permission to speak... *(Interruptions)*...

THE DEPUTY CHAIRMAN : I am not allowing, please sit down... *(Interruptions)*... I am not allowing.

SHRI BHUBANESWAR KALITA (Assam) : There is some allegation by Mr. Yashwant Sinha. Somebody might have spoken something... *(Interruptions)*...

THE DEPUTY CHAIRMAN : Please, there is no need... *(Interruptions)*... Dr. Jain.

DR. JINENDRA KUMAR JAIN : Madam, I thank you very much for giving me this opportunity to provide personal explanation to this hon. House regarding what the hon. Minister for Law and Justice, Shri H. R. Bhardwaj, spoke yesterday. I believe, Madam, that all the hon. Members of this House including those who are trying to object to my giving personal explanation must have read today's newspapers. It is widely reported by the Press in all prominent editions today as to what had transpired yesterday, both what Mr. Bhardwaj submitted to this House and what the hon. Prime Minister said in the Lok Sabha.

Madam, the issue is video-recording of Mr. Bhardwaj's interview. It was recorded by a very eminent journalist in India, Mr. Pritish Nandy. It was done for Doordarshan. There is a programme known as "Pritish Nandy Show". This journalist must have contacted this hon. Minister. He has a right to communicate and it was in exercise of this right that he recorded a programme for Doordarshan. What Mr. Bhardwaj said yesterday was that he went to the residence of Dr. Jain who is a Member of this House. He put it in a very poetic manner. He said "What do you do if somebody calls you for dinner and picks your pocket?"

Madam, two wrong impressions have gone out of this : one, as if some impropriety was done by me in conducting this video-recording and, second, as if some manipulation, alteration, distortion, was done to the statement which Shri Bhardwaj made in this video-recording.

Regarding my personal explanation, let me make it very clear to this House, to the hon.

Members, that I had no hand whatsoever in the video-recording. Yes, video-recording was done in a studio owned by an organisation of which I am the President. But it does not mean that I was present there. I was not present there. I did not know about the happening of this recording. I did not know anything. I did not know about the happenings with regard to this recording. Even after the recording, I was not aware of what transpired in this recording. Madam, it is a professional facility. Anybody—when I say 'anybody', it means everybody—can just inquire from the marketing department and it does happen everyday that people come, have the studio and do the recording and a good number of programmes are recorded there. The first and foremost thing is that I am not concerned with this. It is a video re-recording and it is a personal settlement between Mr. Pritish Nandy, a very eminent journalist and Mr. H. R. Bhardwaj, a very important and eminent political leader in the country..*(Interruptions)*...

SHRI INDER KUMAR GUJRAL (Bihar): And honest also..*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: But, Madam, I feel sorry for Mr. Bhardwaj because..*(Interruptions)*...

SHRI KAMAL MORARKA (Rajasthan): Why?

DR. JINENDRA KUMAR JAIN: Because..*(Interruptions)*...

THE DEPUTY CHAIRMAN: Your personal explanation does not include that. That cannot be your personal explanation..*(Interruptions)*... No, no..*(Interruptions)*... Please do not make any comments. Let us abide by the rules governing personal explanation. Dr. Jain, that is over now..*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: It is not over, Madam..*(Interruptions)*...

THE DEPUTY CHAIRMAN: According to "Kaul and Shakdher", it should by very short. You have made your position clear. That is all..*(Interruptions)*... It has to be very short. You want me to read out the rules? ..*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: Madam, I have not finished yet.

THE DEPUTY CHAIRMAN: It should not be lengthy.

DR. JINENDRA KUMAR JAIN: I am making it short. Please, Madam, allow me.

The second wrong impression that has gone round is that some distortions, some editing and some alterations have been done by somebody. Madam, let the truth be known that it is one single video-recording..*(Interruptions)*... It is one single video-recording.

THE DEPUTY CHAIRMAN: But you were not there. You cannot speak about it..*(Interruptions)*...

SHRI KAMAL MORARKA: Madam, I am on a point of order..*(Interruptions)*...

THE DEPUTY CHAIRMAN: There is no point of order. On his statement you cannot raise a point of order..*(Interruptions)*...

SHRI KAMAL MORARKA: No, Madam. It is not proper..*(Interruptions)*.. He may belong to the ruling party. But let us not try to distort the functioning of the House. I have heard Dr. Jain saying that his studio was lent for a particular recording and that it was a direct transaction between two individuals and he was not aware of anything..*(Interruptions)*... Now he cannot say whether it was distorted or edited..*(Interruptions)*...

THE DEPUTY CHAIRMAN: Dr. Jain, you have made your personal explanation. Please sit down..*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: No, Madam..*(Interruptions)*... I have not finished ..*(Interruptions)*...

THE DEPUTY CHAIRMAN: Your personal explanation is over..*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: Madam, my character has been assassinated..*(Interruptions)*...

SHRI PRAMOD MAHAJAN (Maharashtra): Madam, he has not finished yet..*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: My character has been assassinated..*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please sit down..*(Interruptions)*... It is for the Chair..*(Interruptions)*... All of you, please sit down..*(Interruptions)*... It is entirely up to the Chair to decide what comes under personal explanation and what does not. That is also mentioned in "Kaul and Shakdher". This has to be made clear. Dr. Jain, I feel that what you are saying and what you have already said are enough, because you were not there. You cannot

argue now...*(Interruptions)*...

DR. JINENDRA KUMAR JAIN : Madam, I have a right to say...*(Interruptions)*...

THE DEPUTY CHAIRMAN : No discussion on this...*(Interruptions)*... No discussions...*(Interruptions)*... No points of order can be raised on this. How many times have I to explain this ? It is very unfortunate that you do not read the rules yourselves and you do not listen to the Chair. What is written in the book I have to follow. So, I am not allowing any discussion...*(Interruptions)*... No discussion, please ...*(Interruptions)*...

श्रीमती सुषमा स्वराज (हरियाणा) : मैडम, मेरा पॉइंट ऑफ ऑर्डर है ।

उपसभापति: नो ।

श्रीमती सुषमा स्वराज : मैडम, पॉइंट ऑफ ऑर्डर तो कभी भी रेज हो सकता है ।

SHRI INDER KUMAR GUJRAL : Madam, I am on a point of order.

THE DEPUTY CHAIRMAN : No point of order. No point of order can be raised on this...*(Interruptions)*...

SHRI INDER KUMAR GUJRAL : I am on a point of order...*(Interruptions)*...I am raising a point of order...*(Interruptions)*...

THE DEPUTY CHAIRMAN : You cannot raise it; you cannot raise it on a personal explanation...*(Interruptions)*...

SHRI INDER KUMAR GUJRAL : I am on a point of order.

THE DEPUTY CHAIRMAN : Don't question me like this. ...*(Interruptions)*...

SHRI INDER KUMAR GUJRAL : I am on a point of order.

THE DEPUTY CHAIRMAN : Mr. Gujral, according to Kaul & Shakdher, on a Personal Explanation.....

SHRI INDER KUMAR GUJRAL : I am raising a point of order.

THE DEPUTY CHAIRMAN : You cannot raise a point of order...*(Interruptions)*...

SHRI PRAMOD MAHAJAN : How did you allow Mr. Kamal Morarka ?

THE DEPUTY CHAIRMAN : I did not allow him ...*(Interruptions)*...

श्रीमती सुषमा स्वराज : पॉइंट ऑफ ऑर्डर मेरा यह है कि कल एच॰ आर॰ भारद्वाज जी ने जब यह कहा कि अल्टेरेशन हुई है, टेम्पर हुआ है तो उनका यह इल्जाम नहीं है कि प्रीतिश नन्दी ने अल्टेरेशन की है । उनका इल्जाम है कि रिकॉर्डेड होने के बाद डा॰ जैन ने अपने स्टुडियों का मिसयूज करते हुए उसमें अल्टेरेशन की है । उस बात का जब तक डा॰ जैन जवाब नहीं दे देते तब तक उनका पर्सनल एक्सप्लेनेशन पूरा नहीं होता । ...(**व्यवधान**)... इसलिए जवाब देना उनका धर्म है । जब तक डा॰ जैन उसका जवाब नहीं देते तब तक उनका पर्सनल एक्सप्लेनेशन पूरा नहीं होता । उनका इल्जाम प्रीतिश नंदी पर नहीं है । अगर उनका इल्जाम प्रीतिश नंदी पर होता तो डा॰ जैन को आप रोक सकती थीं । चूंकि उनका इल्जाम डा॰ जैन पर है कि उन्होंने अपने स्टुडियो में प्रीतिश नन्दी के साथ जो उनकी बातचीत हुई है उसमें कुछ चीज जोड़ दी है, डा॰ जैन ने अपने स्टुडियो का मिसयूज करके टेप में अल्टर कर दिया है, टेम्पर कर दिया है । अब जब तक इसका जवाब डा॰ जैन नहीं देंगे तब तक उनकी पर्सनल एक्सप्लेनेशन पूरी नहीं होती है । आप डा॰ जैन को बोलने दीजिए । ...(**व्यवधान**)...

SHRI BHUBANESWAR KALITA : Madam, this should not go on records.

THE DEPUTY CHAIRMAN : I will look into the record. I have not heard it. ...*(Interruptions)*...

वित्त मंत्रालय के राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (डा॰ अब्दुल गफूर) : मैडम, जो बात माननीय सदस्या ने कही है, उसमें तो आलरेडी डा॰ जैन अपना पर्सनल एक्सप्लेनेशन दे चुके है कि वह वहां उपस्थित नहीं थे और उनका इस इण्टरव्यू से कोई संबंध नहीं है ।...(**व्यवधान**)...

एक माननीय सदस्य : अरे, घबड़ाते क्यों हो ? ...(**व्यवधान**)...

श्रीमती सुषमा स्वराज : भारद्वाज जी ने यह नहीं कहा कि प्रीतिश नंदी ने टेम्पर किया । आप पहले उनका रिकार्ड उठाकर देखो । ...(**व्यवधान**)...

SHRI SIKANDER BAKHT : What is your interest in trying to suppress his explanation ? ...*(Interruptions)*...

श्रीमती सुषमा स्वराज : ** **

THE DEPUTY CHAIRMAN : This I do not permit. Please do not record it.

श्रीमती सुषमा स्वराज : ** **

DR. JINANDRA KUMAR JAIN : I thank you, Madam, for allowing me to complete my statement. The second part of my issue was that

**Not recorded.

he tried to give an impression here as if the video-recording given by him was distorted, altered or concocted. Madam, I want to make it very clear that this is one single recording given on a tape which the Censor Board has seen, and the Censor Board of India has given a censor certificate. If anybody has any doubt, Madam, I am willing to place the video on the Table.

THE DEPUTY CHAIRMAN: It is not allowed...*(Interruption)*...

SHRI S. JAIPAL REDDY: Madam.....

THE DEPUTY CHAIRMAN: No discussion.

SHRI S. JAIPAL REDDY: I am not seeking any explanation from Mr. Jain. I would like to seek an explanation from Mr. Bhardwaj . . .

THE DEPUTY CHAIRMAN: No expl-a nation.

SHRI S. JAIPAL REDDY: . . . who apparently made a false allegation against Dr. Jain.

THE DEPUTY CHAIRMAN: I cannot . . .

SHRI S. JAIPAL REDDY: Therefore, Mr. Bhardwaj must respond now. Normally, under the Rules, I cannot ask Mr. Jain.

THE DEPUTY CHAIRMAN: If you think . . .

SHRI S. JAIPAL REDDY: I can certainly ask Mr. Bhardwaj. *(Interruptions)*

THE DEPUTY CHAIRMAN: आप बैठ जाइए । I am not permitting.

SHRI S. JAIPAL REDDY: I think, Madam, in all fairness, an opportunity must be given to Mr. Bhardwaj to offer a personal explanation. Madam, I am a sympathiser of Mr. Bhardwaj. I think he must be given a full opportunity to explain.

THE DEPUTY CHAIRMAN: Please, Mr. Jaipal Reddy . . .

SHRI S. JAIPAL REDDY: Let him be allowed to explain.

THE DEPUTY CHAIRMAN: This is not the way. This is not the procedure. If you feel that Mr. Bhardwaj has, according to you, misled . . . *(Interruptions)* Please let me speak. If you feel that Mr. Bhardwaj has misled the House, there is the privilege motion. You move it against him. That is okay. The Committee will take care of it.

Now, the Special Mentions—Shri Suresh Kalmadi. *(Interruptions)*

1.00 p. m.

Now we take up special mentions.

SHRI SIKANDER BAKHT: Let Mr. Bhardwaj clarify on the basis of whatever proof he has. Why should it be suppressed? The position will be more clear after his clarification.

THE DEPUTY CHAIRMAN: The rules of Procedure of the House are meant to protect all Members both from the ruling party and from the Opposition. Tomorrow you may be in the ruling party and you may also have to face it. Don't throw the rules into the air totally. Rules are meant for the whole House. Rules are there to protect the rights of the Members. According to the rules, let him come and let somebody move a privilege motion and the Chairman will take care of it.

SHRI SIKANDER BAKHT: When his name has been mentioned, by Dr. Jain, he has the right to explain his own position. The stage of privilege motion has not yet reached.

THE DEPUTY CHAIRMAN: Mr. Sikander Bakht, let me explain it again that on the personal explanation, there can be no debate. If I allow Mr. Bhardwaj to speak, it amounts to debate. So that matter is over.

श्री सिकन्दर बख्त : सदर साहिबा, मैं यह अर्ज़ करूंगा कि डा० जैन ने अपनी सफाई में भारद्वाज साहब के एक बयान को यह कहा है कि यह गलतबयानी है, इसलिए यह बात आगे निकल गई है उससे और भारद्वाज साहब को अपनी पोजीशन साफ करनी चाहिए, इसका मौका दिया जाना चाहिए उनको ।

†شری سکندر بخت : صدر صاحبہ میں یہ عرض کرونگا کہ ڈاکٹر جین نے اپنی صفائی میں بھاردواج صاحب کے ایک بیان کو یہ کہا ہے کہ یہ غلط بیانی ہے اسلئے یہ بات آگے نکل گئی ہے ۔ اس سے اور بھاردواج صاحب کو اپنی پوزیشن صاف کرنی چاہیئے ۔ اسکا موقع دیا جانا چاہیئے ان کو

† [ ] Transliteration in Arabic Script.

THE DEPUTY CHAIRMAN: If Mr. Bhardwaj wants to make another personal explanation, he can write to the Chairman and if the Chairman permits, I will allow him.

DR. JINENDRA KUMAR JAIN: Please allow me to complete. I will take only one minute.

THE DEPUTY CHAIRMAN: That matter is closed. Now we are taking up special mentions. Shri Suresh Kalmadi, not here. Shri Sangh Priya Gautam, not here ... *(Interruptions)* Dr. Jain, why is your video going on? That matter is over.

Shri Chaturanan Mishra, not here. Prof. Saurin Bhattacharya.

श्री प्रमोद महाजन : उपसभापति महोदया, एक दूसरा महत्वपूर्ण विषय है। ...(व्यवधान)...

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, you are a senior Member. You should know what the rules are.

DR. JINENDRA KUMAR JAIN: Let me conclude, Madam.

THE DEPUTY CHAIRMAN: Nothing of what Dr. Jain is saying will go on record.

DR. JINENDRA KUMAR JAIN: *

SHRIMATI RENUKA CHOWDHURY: Why can't he clarify his stands.

THE DEPUTY CHAIRMAN: If you are elected as Deputy Chairman, you would know. You would know the rules, at least that much.

श्री कैलाश नारायण सारंग : बहुत बड़ा अन्याय हो रहा है डा० जैन के साथ...(व्यवधान)...

उपसभापति : नहीं, बैठिए, बस, बहुत हो गया ...(व्यवधान)... बैठिए बस, बहुत हो गया। प्रो० भट्टाचार्य, बोलिए।

SPECIAL MENTIONS

Delay in holding biennial elections to the Rajya Sabha from West Bengal by the Election Commission.

PROF. SAURIN BHATTACHARYA (West Bengal): Madam, I am going to raise an issue which, perhaps, will be most appropriate to be raised in this House which is the Council of States.

As you know, biennial election to the Rajya Sabha from West Bengal was due on the 9th of July. Six Members had to be elected by the members of the West Bengal Assembly. But unfortunately, the Election Commission which was entrusted with the responsibility of holding the election, took no steps to hold the election. At one point of time, the Chief Election Commissioner made a declaration in the press that elections to the Rajya Sabha from West Bengal were suspended indefinitely. The very next day, of course, that gentleman announced a tentative schedule for the election of 6 Members from the West Bengal Legislative Assembly to the Council of States. That schedule says that by 14th of August, elections to the Rajya Sabha from the West Bengal Legislative Assembly would be completed. It would mean that West Bengal would be without more than one-third of its Members in this House for about one-and-a half months. This is an unprecedented situation.

The Election Commission is entrusted with the responsibility of holding elections, not to prevent the holding of elections. But unfortunately, in this particular case, in the Council of States, West Bengal has been deprived of its rightful position. What has been done is either out of surfeit or anger on the part of the Election Commission. The question is whether it is a matter of individual whims of the Election Commission, or, it is a matter of certain procedures.

What the Election Commission has done in the case of West Bengal in not taking steps in time to fill the vacancies through biennial elections is something which is completely unprecedented. I think never before in the history of the Council of States that such a thing had happened. Biennial vacancies in the Council of States are filled before the actual vacancies occur because the term is well-defined. In this case, because of the delay, the elected Members from West Bengal—their term would be from the 14 or 15th of August—would either have a shorter tenure or West Bengal's representation will have a gap of one-and-a half months.

Madam, the Election Commission has to act, and must act, within the Constitutional framework. But in this particular case, it was lamentably neglected on the pretext of failure of the West Bengal Government to give the name of the Chief Electoral Officer. (Time-bell) Madam, as a matter of fact, the person who was

* Not recorded.